

CITY OF NEWPORT

DOCKET OF THE COUNCIL

The following items of business, filed with the City Clerk under the Rules of the Council, will come before the Council at its regular meeting to be held on June 9, 2010, at 6:30 p.m.

PLEDGE OF ALLEGIANCE TO THE FLAG

CITIZEN'S FORUM: (Speakers must sign in with the City Clerk)

The Citizen's Forum period shall be no longer than fifteen minutes and citizens may address the Council on **one subject only and for no longer than three minutes.**

Issues to be discussed shall not include matters to be considered or discussed as part of the regular council agenda and must be related to substantive city business. No comments regarding personnel or job performance are allowed.

1. **PUBLIC HEARING: Recommended 2010-2011 Operating Budget**
(as amended on May 26, 2010))
 - a. Ordinance Appropriating Revenues (Second Reading)
 - b. Ordinance Amending Title 3, Personnel (Second Reading)
 - c. Resolution, re: Omnibus Property Tax Relief & Replacement Act
 - d. Resolution, re: Authorizing Tax Levy
 - e. Ordinance Amending Chapter 13.12.010, Basic Charge - Sewer Rate
(Second Reading)
 - f. Ordinance Amending Chapter 13.12.015, CSO Fixed Charge
(Second Reading)
 - g. Ordinance Amending Chapter 13.10.060, Industrial Pretreatment-
Wastewater Treatment Rates (Second Reading)
 - h. Ordinance Amending Chapter 13.12.070, Delinquency—Surcharge
(Second Reading)

It is the practice of the Council to meet at 6:20 p.m. in the second-floor Conference Room to discuss docket items. The public is invited to attend. The docket, along with all applications and communications, can be viewed on the City of Newport website: www.cityofnewport.com – “Current Newport City News & Announcements” – Click on “MORE NEWS.” Council Meeting can be viewed on Cox Cable, Channel 18; check local listings for dates and times. A DVD of the Council Meeting is also available at the Newport Public Library within 48 hrs. of the meeting.

LIVE VIDEO CONFERENCING OF COUNCIL MEETINGS AND WORKSHOPS WILL BE AVAILABLE AT THE NEWPORT POLICE STATION, WHICH IS ACCESSIBLE AND MEETS ADA REQUIREMENTS, BASED UPON NOTIFICATION TO THE CITY MANAGER'S OFFICE (845-5429) A MINIMUM OF 48 HOURS IN ADVANCE OF THE MEETING. INDIVIDUALS REQUIRING INTERPRETER OR OTHER ACCOMMODATIONS MUST ALSO NOTIFY THE CITY MANAGER'S OFFICE 48 HOURS IN ADVANCE OF THE MEETING.

2. **PUBLIC HEARING: Zoning Ordinance Amendment/Parking and Loading Standards**

- a. Recommendation of the Planning Board
- b. Ordinance Amending Chapter 17.04 of the Codified Ordinances, entitled, "General Provisions," and Chapter 17.104, entitled, "Parking and Loading Standards (First Reading)

3. **CONSENT CALENDAR.** (THE CONSENT CALENDAR IS APPROVED IN ITS ENTIRETY UNLESS THE COUNCIL REMOVES AN ITEM FOR DISCUSSION. ALL LICENSES ARE GRANTED SUBJECT TO COMPLIANCE WITH ORDINANCES #31-80 AND #98-40.)

- a. Minutes of the April 28, 2010, Council Meeting (Approve)
- b. Special Event Licenses:
 - 1) Rogers High School Senior Class Parents, d/b/a Rogers High School Post Graduation Party; Elks Lodge, 141 Pelham St., June 18, 2010, from 8:00 p.m. to Midnight.
 - 2) Sail Newport, Inc., d/b/a America's Cup Tour—RI Visit with BMW Oracle Racing; Fort Adams State Park, July 1, 2010, from 11:30 a.m. to 4:30 p.m.
 - 3) Sail Newport, Inc., d/b/a The Coastal Living Newport Regatta/Regatta Socials; Fort Adams State Park, July 9 and 11, 2010, from 4:00 p.m. to 8:00 p.m.; July 10, 2010, from 4:00 p.m. to 11:00 p.m.
 - 4) Ronald T. Kitt, Jr., d/b/a Newport Kite Festival; Brenton Point State Park, July 10 and 11, 2010, from 10:00 a.m. to 5:00 p.m.
 - 5) Susan VonVillas, d/b/a Rogers High School Reunion – 1985; Elks Lodge, 141 Pelham St, July 31, 2010, from 7:00 p.m. to Midnight.
 - 6) Friends of Ballard Park, d/b/a Mad Hatter Tea Party/Fundraiser; Ballard Park, August 9, 2010, from 4:00 p.m. to 7:00 p.m.
 - 7) St. Joseph's Church, d/b/a Harvest Fair; St. Joseph's Church Hall, Mann Ave., November 6, 2010, from 10:00 a.m. to 4:00 p.m.

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- c. Drain Layer's Licenses, Renewals:
 - 1) All Island Landscape, Inc., 2829 East Main Rd., Portsmouth, RI
 - 2) C.B. Utility Co., Inc., 99 Tupelo St., Bristol, RI
 - 3) Catalano Construction, Inc., 10 Nate Whipple Hwy., Cumberland, RI
 - 4) DaPonte's Landscaping Services, Inc., 700 Wood St., Bristol, RI
 - 5) DAR Construction Services, 158 Moulton St., Rehoboth, MA
 - 6) Pond View Excavation, 50 French St., Rehoboth, MA.
 - 7) Ken Gladding, d/b/a KM Gladding Excavation, 242 America Way, Jamestown, RI
 - 8) Joseph C. Lopes II, 345 Mitchell's Lane, Middletown, RI
 - 9) Mello Construction Co., Inc., 87 Beacon St., Middletown, RI

- d. Holiday Selling Licenses, New:
 - 1) MJCLK Palm Beach, LLC, d/b/a Badgley Mischka, 115 Bellevue Ave.
 - 2) Potter & Co., LLC, d/b/a Potter & Co., 172 Thames St. (new owner)
 - 3) Chatree Sachayansrisakul, d/b/a Blonde, 468 Thames St.
 - 4) Three Golden Apples, LLC, d/b/a Three Golden Apples at Bowen's, 39 Bowen's Wharf.

- e. Holiday Selling Licenses, Renewals:
 - 1) Kathleen L. Cabral, d/b/a Ireland Calls, 123 Swinburne Row
 - 2) Flori's Treasures, LLC, d/b/a Flori's Treasures, 359 Thames St.
 - 3) James Higgins, d/b/a Magic Studio, 435 Thames St.

- f. Pedicab Operators Licenses:
 - 1) Marco Audelo, 108 Bayview Drive, Jamestown, RI
 - 2) Kenneth Burdett, 286 Clark Avenue, Branford, CT
 - 3) Jeffrey J. Champlin, 223 Black Point Lane, Portsmouth, RI
 - 4) Amanda Conyers, 16 Pepperwood Lane, Branford, CT
 - 5) William Freise, 69 Whiteloaf Road, Southampton, MA
 - 6) Alex Koza, 87 Hargraves Drive, Portsmouth, RI
 - 7) Sam Leuschner, 12 Dixon St., Newport, RI
 - 8) Christopher H. Lull, 12 Dixon St., Newport, RI
 - 9) Zachary Matook, 549 River Avenue, Providence, RI
 - 10) William Oberg, 150 Panto Rd., Warwick, RI
 - 11) Dennis Rogers, 12 Dixon Street, Newport, RI

- g. Solid Waste Hauler License, New, Waste Recyclers, LLC, d/b/a American Rubbish & Recycling, 80 Jackson Flat Road, Hope, RI
- h. Solid Waste Hauler Licenses, Renewals:
 - 1) Island Rubbish Service, Inc., d/b/a Island Rubbish Service, 8 Swinburne St., Jamestown, RI
 - 2) Patriot Disposal Co., Inc., d/b/a Patriot Disposal Co., 2208 Plain Field Pike, Johnston, RI
- i. Tattoo Parlor/Operator Licenses, Fred Smith III, d/b/a Fred Smith American Tattoo, 10 Collins Street.
- j. Communication from George J. Botelho, Jr., 109 Second St., requesting permission to block off Second St., between Sycamore St. and Van Zandt Ave., on June 24, 2010, from 4:00 p.m. to 8:00 p.m. for the Fourth Annual Block Party. (Approve subject to details being worked out with the city administration.)
- k. Communication from Jonathan Carlone, Boy Scout Troop 77, Middletown, requesting permission to build a memorial to John Paul Braga, Jr., at Braga Park for his Eagle Scout Project. (Approve subject to details being worked out with the city administration.)
- l. CRMC Public Notice 2010-05-070, Application of the City of Newport for an Assent to construct and maintain a public “touch and go” boating facility (Ann St. public boating facility). (Receive and refer to Planning Board and Waterfront Commission for comment)
- m. CRMC Notice of intention of the CRMC to change management plans, policies, procedures and regulations of the agency. (Receive)
- n. Claims: (Receive and refer to City Solicitor’s Office)
 - 1) Keith Coristine
 - 2) Connie V. Mathias
 - 3) Margaret Paolo

LICENSES AND PERMITS

4. Application for an Annual Entertainment License, Class A (indoors), New, Five Guys Burgers, 199 Connell Highway (Second Hearing)
5. Application for an Annual Entertainment License, Class A & B, Renewal, @ The Deck, LLC, d/b/a @ The Deck, 1 Waites Wharf.
6. Application of A & O, Inc., d/b/a Asterisk, 599 Thames St., to expand its Victualing License to a 136 sq. ft. patio area on the east side of the building (Continued from May 26, 2010)
7. Application of The Pier of Newport, LLC, d/b/a The Pier Restaurant, Howard Wharf, to expand its Victualing License to a 21' x 52' outdoor patio on the north side of the property.
8. Application of the Sailor's Sweet Tooth, d/b/a Kilwin's Chocolates – Ice Cream, to expand the premises of its Victualing License to an outdoor patio on the north side of the building.

ORDINANCES

9. RECONSIDERATION OF THE VOTES TAKEN MAY 26, 2010, ON SECOND READING OF AN ORDINANCE AMENDING CHAPTER 17.80 OF THE CODIFIED ORDINANCES , ENTITLED, "HISTORIC DISTRICT ZONING." (Second Reading and final adoption of the ordinance was continued to June 23, 2010.)
10. Amending Chapter 6.08 of the Codified Ordinances, entitled, "Animal Control Regulations," to add Section 6.08.100, entitled, "Spaying and Neutering of Cats." (Second Reading)
11. Amending Chapter 8.08 of the Codified Ordinances, entitled, "Fire Code," to amend Section 8.08.100, "List of Fire Lanes" – Hayden Court (Second Reading)
 - Communication from Mark L. Stenning, CEO, International Tennis Hall of Fame, requesting permission to close the fire lane for nine days during the ITHF Tennis Tournament held in July.

COMMUNICATIONS FROM THE CITY MANAGER

12. Memorandum from the City Manager, re: King Park Parking Lot – Fees
13. Communication #4716/10, re: Bid Award for Chip Seal Roadway Surface Treatments (with accompanying resolution)
14. Communication #4717/10, re: Bid Award for Wellington Avenue Seawall Project (with accompanying resolution)
15. Communication #4718/10, re: Bid Award for Van Zandt Bridge Repairs (with accompanying resolution)
16. Communication #4719/10, re: Van Zandt Bridge Repairs Construction Services – Contract Amendment (with accompanying resolution)
17. Communication #4720/10, re: Americans with Disabilities Act Compliance Review Settlement Agreement (with accompanying resolution)

ADJOURN AS COUNCIL AND CONVENE AS BOARD OF LICENSE COMMISSIONERS

BOARD OF LICENSE COMMISSIONERS

1. **CONSENT CALENDAR** (THE CONSENT CALENDAR IS APPROVED IN ITS ENTIRETY UNLESS THE COUNCIL REMOVES AN ITEM FOR DISCUSSION. ALL LICENSES ARE GRANTED SUBJECT TO COMPLIANCE WITH ORDINANCES #31-80 AND #98-40.)
 - a. Class F-1 Daily Liquor License, Sail Newport, Inc., d/b/a the Coastal Living Regatta; Fort Adams State Park, July 9-11, 2010
 - b. Sunday Selling License, New, Slippery Slope Spirits, LLC, d/b/a Spring Street Spirits, 137 Spring Street (new owner).

LICENSES AND PERMITS

2. Application of A & O, Inc., d/b/a Asterisk, 599 Thames St., to expand its Class BV alcoholic beverage license to a 136 sq. ft. patio area on the east side of the building, to alter its service area from indoors to outdoors (Hearing; continued from May 26, 2010)
 - Communication from Brian O'Donnell, 603 Thames St., expressing concern over the proposed outdoor expansion.
3. Application of The Pier of Newport, LLC, d/b/a The Pier Restaurant, Howard Wharf, to expand its Class BV alcoholic beverage license to a 21' x 52' outdoor patio on the north side of the building. (Hearing)

ADJOURN

Kathleen M. Silvia
City Clerk

June 2, 2010